

REMARKS

Claims 2-9 are pending. Claim 2 is the only independent claim. Claims 8 and 9 have been added to provide Applicant with a more complete scope of coverage. Favorable reconsideration is requested.

Claims 1-7 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,526,296 (Nieminen). Cancellation of claim 1 renders its rejection moot. Applicants traverse and submit that independent claim 2 and the claims dependent thereon are patentable for at least the following reasons.

Independent claim 2 is directed to a folding portable communication unit which is composed of first and second cabinets and a hinge for so supporting the first and second cabinets that they are rotational around the hinge. The foldable communication unit includes: first display/data-input means, which displays first information related to mobile telephone communication, inputs a first data related to the communication, and is situated on an obverse surface of the first and second cabinets, and second display/data-input means which displays second information related to mobile telephone communication, inputs a second data related to the communication, and is situated on a rear cover of the first or second cabinet. The second information can be watched and the second data can be inputted by a user in case that the first and second cabinets are folded.

In the communication unit defined by claim 2, both of the first and second display/data input means are for displaying information related to mobile telephone communication. In a disclosed embodiment, a simplified LCD 26 and simplified key unit 28 are provided, each situated on a rear cover 10a of the upper cabinet 10 of the communication unit. In addition, an LCD 20 and key unit 22 are provided. The simplified units can be used for mobile telephone communication when the communication unit is in a closed configuration, while the LCD 20 and key unit 22 are usable for mobile telephone communication in an open condition. Of course, the claims are not limited to the disclosed

embodiment. The presence of the two display and key units allows the user to select either unit for mobile telephone communication depending on, e.g., conditions.

As was pointed out in the previous response, Nieminen shows a foldable device that in a closed position is a cellular telephone, and in an open position is a PDA. The keypad 6b and display 6a located on the outer surface are used for functions related to cellular mobile telephone (CMT) communication. On the other hand, the keys 5b and the display 5a on the inside of the opened unit are used for the PDA data input/display.

In the Office Action, the position was taken that Nieminen shows that both the first and second display and data input means are for information related to mobile telephone communication. Portions of Nieminen are cited as allegedly teaching this feature. However, the identified portions do not teach the feature for which they are cited. In fact, the cited portions make clear that Nieminen's display 6a is for CMT functions, whereas display 5a is for PDA functions.

In particular Figures 1 and 2 are cited as supporting the Examiner's proposition. However, these figures simply show, in the case of Figure 1, display 6a and keys 6b, which are used for CMT functions and, in the case of Figure 2, display 5a and keys 5b, which are used for the PDA functions. Column 9, lines 2-27, cited to support the allegation, to the extent it refers to either of the displays, only refers to CMT functionality of the display unit 6a. The majority of that portion of Nieminen is discussing the control buttons, and contains no teaching, among other things, that in Nieminen, *both* of the displays are related to mobile telephone communication.

Column 7, lines 38-50 was also cited to support the Examiner's proposition. This portion also fails to make such a teaching. In column 7, lines 38-5, it is made quite clear that "the first user interface, *i.e., the PDA user interface*, is activated in the open position . . . , and the second user interface, *i.e., the CMT user interface* is activated in the closed position S of the device 1." Column 7, lines 45-49 (emphasis supplied). Thus, this cited portion of Nieminen also completely fails to show the feature of claim 2 discussed above.

Finally, column 2, lines 35-50 of Nieminen was cited in support of the position taken by the Examiner. However, this portion simply discussed prior art devices in which a CMT user interface is arranged to be used in the closed position, and in which a second, PDA, interface is arranged to be used in the open position. This teaching does nothing to remedy the above-mentioned deficiencies of the other cited portions of Nieminen as against independent claim 2.

For at least the foregoing reasons, the portions of Nieminen relied upon in the Office Action fail to teach or suggest the features of claim 2 discussed above. Accordingly, claim 2 is believed patentable over Nieminen.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration, or reconsideration as the case may be, of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Rejection is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. At the very least, however, entry of this Amendment After Final Rejection, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested.

Application No.: 09/853,426

Docket No.: H1139.0101/P101

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: November 18, 2004

Respectfully submitted,

By Joseph W. Ragusa

Joseph W. Ragusa

Registration No.: 38,586

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant